

SIXTIETH DAY—(Continued).

Senate Chamber,
Austin, Texas,
April 21, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 150.

H. C. R. No. 69.

H. B. No. 169.

Request to Introduce Bill.

Senator Woodul asked unanimous consent to suspend the regular order of business in order to introduce a bill.

Objection was heard.

At Ease.

On motion of Senator Pace, the Senate, at 10:15 o'clock, a. m., stood at ease in order to attend the presentation of the San Jacinto battle flag in the House.

In the House.

At 10 o'clock a. m., the hour fixed by concurrent action of the House and Senate for the presentation of the Flag of the Battle of San Jacinto, the Honorable Senate, escorted by Bob Barker, Secretary of the Senate, and A. W. Holt, Sergeant-at-Arms of the Senate, appeared at the Bar of the House, and being duly announced, were admitted and escorted to seats prepared for them along the aisle.

Senator Walter Woodul, President Pro Tempore of the Senate, occupied a seat on the Speaker's stand.

Lieutenant-Governor Edgar E. Witt and party were escorted to seats on the Speaker's stand.

Hon. Coke R. Stevenson, Speaker of the House, called the House to order.

Senator Walter Woodul, President Pro Tempore of the Senate, called the Senate to order.

Speaker Stevenson then intro-

duced Mr. Walter E. Kendall, grandson of General Sidney Sherman.

Mr. Kendall then presented the Flag of the Battle of San Jacinto to the State of Texas, speaking as follows:

"Mr. President and Mr. Speaker, Ladies and Gentlemen of the Forty-third Legislature, and Ladies and Gentlemen:

"The flag of San Jacinto, by legislative resolution, has come to rest in its final sanctuary. What could be more fitting and appropriate than that this historic banner, first unfurled in the cause of liberty and freedom from the despotism of a foreign foe, should take its place in the forum of the people whose ancestors, by valor and self-sacrifice, achieved the right to form a government of their own.

"Many years ago, the flag became the property of the State, but if it is to be appreciated and treasured, its history should be given, and its history should be remembered. If this history reflects, as it necessarily must, incidents in the life of my grandfather, Sidney Sherman, I am sure that you will absolve me of any intention to turn upon him too strongly the light of history. But to adequately tell the romantic story of this flag, one must recount those certain incidents of his life with which it was interwoven, always remembering that they transpired during times more romantic and stirring than our own.

"During the year 1835, news of the desperate plight and heroic efforts of that sturdy band of frontiersmen in Texas, struggling under the heavy yoke of Mexican oppression, was being circulated throughout the States, and many young men, fired with patriotism and the love of adventure and possessing an inborn hatred of tyranny and despotism, turned their faces toward the Southwest, fully determined to cast their lot with the struggling Texans. Among these was Sidney Sherman, born in Marlboro, Massachusetts, a suburb of Boston, who, in his young manhood, had left New England for the West, and settled in Newport, Kentucky. He was a first cousin once removed of Roger Sherman, who, not only signed the American Declaration of Independence, but who, with Thomas

Jefferson, John Adams, Benjamin Franklin, and Robert Livingston, comprised the committee selected to draft that immortal document. Sidney Sherman seemed imbued with a keen desire for military affairs and military adventure. Throughout the year 1835, he was the captain of a military company, known as the Newport Rifles, which he had organized and largely equipped. The urgent and appealing call for help from the Texans found a ready response in Captain Sherman, who was able to recruit his company to fifty men for active military service on the Southwestern frontier.

"As a mark of the romantic chivalry of those days, the citizens of Newport tendered to Captain Sherman and his volunteers a ball on the night before their departure for Texas. The ladies of that city had secured a battle flag and selected Isabelle Cox, late of Frankfort, Kentucky, the bride of Captain Sherman, to present the flag. In its present restored state, it is beautiful and inspiring; truly, a hundred years ago, at the time of this original presentation, it must have been of striking loveliness. In connection with the presentation of the flag, an incident of romantic value is recalled. One of the young ladies present on the occasion was called upon by one of the volunteers to present a memorial of the occasion. Without hesitation, she drew a long, white glove from her hand, and threw it at his feet, with these words: 'Here, sir; let this be your gauge of battle; bear it foremost in the fight!' This glove was tied around the staff, above the flag, where it remained until the Battle of San Jacinto, and during that engagement it was lost. It inspired some verses by one of those who followed in its victorious wake on that memorable day.

"During the last days of December, 1835, this little company of patriots embarked on an Ohio river steamer amid the shriek of whistles and plaudits of the populace of the cities of Newport, Covington, and Cincinnati. They made their way down the Ohio and Mississippi Rivers and landed at Natchitoches, Louisiana, marched to Nacogdoches, and from there on to Gonzales, where the main body of the Texan Army had assembled. Here the com-

pany waited two weeks until General Houston arrived to take command. Immediately upon his arrival, the First Regiment of Texas Volunteers was organized, and Sidney Sherman became its lieutenant-colonel. On the very day of this occurrence came the news of the tragic fall of the Alamo and the slaughter of its heroic defenders. The Texan Army being entirely unprepared to meet the Mexican forces in San Antonio, then reputed to consist of 7,000 men, started their march to the east. On the arrival of the Texan Army at the Brazos River, the Second Texas Volunteer Regiment was organized, and Colonel Sherman became its commander. This Second Regiment formed the left wing of the Texan Army in the Battle of San Jacinto.

"Among those who volunteered in Captain Sherman's company, was one James Austin Sylvester, a native of Maryland, who enlisted in the Newport Rifles, December 18, 1835, and who, upon the first reorganization of the Texan Army at Gonzales, became second sergeant and color bearer of Company 'A' of the First Regiment of the Texas Volunteers. It was in his sturdy, brave hands that the flag was borne throughout the thickest of that short, but decisive, battle of the world. It might be added here that it was this same Sylvester, who, on the next day, with a number of others, captured and took into the Texas camp President Santa Anna, Commander in Chief of the Mexican forces, and self-styled 'Dictator of the West.'

"It is not recorded that the flag was used on the afternoon of April 20, 1835, when Colonel Sherman led a small squadron of cavalry in an attack upon a detachment of the enemy's cavalry, that occupied an island of timber between the hostile camps. However, it is not inappropriate to repeat here an excerpt from the first report of the battle of San Jacinto made by Thomas J. Rusk, then Secretary of War of the Republic of Texas, to David G. Burnet, its President, then at Galveston, on the day following the battle. In speaking of this preliminary skirmish, he reported: 'Too much praise cannot be bestowed upon those who were engaged in this charge, for never was one of greater peril, made with

more courage, and terminated with less loss.'

"Further on in this report, he states: 'In a battle where every individual performed his duty, it might seem invidious to draw distinctions; but, while I do justice to all in expressing my high admiration, of the bravery and gallant conduct of both officers and men, I hope I may be indulged in the expression of my highest approbation of the chivalrous conduct of Major James Collingsworth in almost every part of the engagement. Colonel Hockley, with his command of artillery, Colonel Wharton, the Adjutant General, Major Cook, and, in fact, all of the staff officers; Colonels Burleson and Somervell on the right; Colonel Milliard in the center, and Colonel Sherman, Colonel Bennett, and Major Wells on the left, and Colonel Lamar on the extreme right, and the cavalry that led on the charge and followed in pursuit with dauntless bravery. All have my highest approbation. With such men, sustained as we shall be by the patriots and lovers of liberty in our mother country, hateful despotism cannot find a resting place for the sole of her foot, on the beautiful plains of Texas! A volume would not contain the deeds of independent daring and bravery. Each captain has been required to make a report, and I hope justice will be done to all the brave spirits who mingled in the glorious achievement of State.'

"We are able to further visualize the heroic part played by the flag of San Jacinto when we recall the official report of the battle made by the Commander in Chief, General Houston, four days after the battle. In part, he states: 'Colonel Sherman, with his regiment, having commenced the action upon our left wing, the whole line at the center and at the right, advancing in double quick time, rung the war cry, "Remember the Alamo!" received the enemy's fire, and advanced within point blank shot before a piece was discharged from our lines. Our lines advanced without a halt until they were in possession of the woodland and the breastwork, the right wing of Burleson's and left of Milliard's taking possession of the breastwork; our artillery having charged up within seventy yards of the enemy's

cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of close action until we were in possession of the enemy's camp, taking one piece of cannon (loaded), four stand of colors, all of their camp equipage, stores, and baggage.'

"It can not be doubted but that this flag, which must for all time grace and dignify the spot where it is located, played its full part in giving inspiration, determination, courage, and spiritual superiority to every soldier on the field of San Jacinto. History records no engagement of such short duration that led to more changes in the map of the world and the history of nations. It may well be likened in its historical importance and effects to the battle of Marathon, where 10,000 Athenians, under Miltiades, met and overthrew the Persian hosts numbering over 100,000, and stemmed for all time the efforts of the Asiatics to overrun Western Europe. The Battle of San Jacinto marked not only the independence of Texas, but the end of Latin conquest and Latin aggression in the United States and marked the great southwestern boundary of the Nation.

"After the battle, the flag was deposited in the office of the Secretary of War until August, 1836, when it was sent by the Government of Texas to Mrs. Sidney Sherman, then at Frankfort, Kentucky, with the following note:

" 'Velasco, August 5, 1836,

" 'War Department.

" 'This stand of colors, presented by the ladies of Newport, Kentucky, to Captain Sidney Sherman, is the same which triumphantly waved on the memorable field of San Jacinto, and is, by the Government, presented to the lady of Colonel Sidney Sherman, as a testimonial of his gallant conduct on that occasion.

(Signed) " 'A. SOMERVILLE,

" 'Secretary of War.

" 'Approved:

" 'David G. Burnet.'

"It was always the thought of Sidney Sherman that the flag should ultimately belong to the State, and in 1896, something more than twenty years after his death, the flag, together with the original note signed

by the Secretary of War, and approved by President Burnet, presenting the flag to the wife of Sidney Sherman, was presented to the State by his then living daughters, Mesdames J. M. O. Menard, W. E. Kendall, and L. W. Craig.

"I quote from the letter of A. J. Rose, Commissioner of Insurance, Statistics, and History, under date of September 3, 1896, acknowledging receipt of the flag: 'It is not probable that you have brought yourselves to consent, without feelings of regret, to part with these mute reminders of a precious past. For you, especially, they possess other and dearer values than such as are exclusively incident to the fact that they commemorate a great historic event. For this, of course, you deeply reverence them. But they mean more than this for you. They were treasured heirlooms in your family, and richly reminiscent of tender associations directly personal to yourselves.

"If the giving of them up has evoked some shades of sorrow, then surely the freedom with which you make the sacrifice, that they might be deposited among the State's archives, where you say they rightfully belong, is convincing assurance that with the daughters of General Sidney Sherman, the spirit of patriotism is cultivated as something superior to the suggestions of self.

"Faithful history long ago, in indelible and unmistakable terms, registered the proofs of your father's title to grateful remembrance by the people of Texas and to the applause of men wherever liberty is loved and patriotism prevails. The letter presenting the flag to your mother is something more than the deserved expression of a tribute to your father from his compatriots in the cause of emancipated Texas. It is his government's officially declared testimonial of his gallant conduct while a military chieftain in its service.'

"At the time of its presentation to the State, the flag, though carefully preserved, had become a mass of broken fragments and crumbling pieces, and were kept together in a glass case. It remained in this condition in the State Library, until its custody was loaned to the Daughters of the Republic of Texas in 1925,

when it was moved and placed with their collection of Texas historical relics. Through the efforts of these patriotic ladies, in cooperation with Representative P. L. Anderson, of San Antonio, a legislative appropriation of five hundred dollars was secured, and the fragments of the flag were sent to California, where the tedious work of restoring it was done by a Mrs. Richey, the arrangements therefor having been perfected by Miss Wilcox, of the State Library, in whose custody the flag will remain. It was the purpose of the resolution heretofore unanimously adopted by this Legislature, as well as the hope and wish of those to whom the history of the flag, and the flag itself, is so dear, that it shall forever remain in its present location behind the Speaker's stand, in the House of Representatives of Texas.

"This great empire, blessed by the Creator with all of the resources that man could desire, favored by climate and geographical location, is surpassingly enriched by a chronicle as unique and chivalrous as has ever been inscribed upon the pages of history. During these latter times of stress and readjustment, when men's minds are bent to the solution of problems close at hand, there is a proneness to regard too lightly and pass without due consideration the value of these priceless heritages of the past. If we will but pause and pay them the tribute that is rightfully theirs, we will find something in it to stiffen our moral fibre, enrich our hearts, and quicken our spirits.

"The flag of San Jacinto, restored to last a hundred years, will remain in this great Hall, where comes the people's Representatives to mould into law those principles of government designed for the perpetuation and well-being of organized society. Here, no less than on the battlefield, is demanded clear thinking and right thinking, loyalty without a stain and irreproachable patriotism. Unless such high purpose animates the activities of those who labor here, the State cannot endure. With its striking colors, its heroic history, the consciousness that in the long ago, it stirred brave men to heroic deeds in the noble cause of freedom, it should ever remain a sacred talisman, not only to those who serve the people

here, but to the people themselves who now and in the years to come, will pause before it to read its story. I am quite sure that when Sidney Sherman expressed his desire that this flag, which alone was borne at San Jacinto, should become the property of the State, he fully realized that its functions, its history, its associations, and its memories were too closely linked with the people of Texas for anyone to claim it as his own. Therefore, as the representative of his family and with justified pride, I am honored, Mr. Speaker, in presenting to you, as worthy and trusted representative of our people, the venerated flag of San Jacinto."

Speaker Stevenson presented Mrs. O. M. Farnsworth, President of the Daughters of the Republic of Texas.

Mrs. Farnsworth then addressed the Joint Session and the assemblage.

Senator Walter Woodul presented the Hon. Coke R. Stevenson, Speaker, who accepted the flag on behalf of the State of Texas.

In Session.

The Senate returned to the Senate Chamber at 11:13 o'clock a. m.

Portrait Presented.

At 11:15 o'clock a. m., the Chair announced that the hour for the joint session for the presentation of a portrait of Major General Henry T. Allen had arrived.

"The Star Spangled Banner" was rendered by The University of Texas Longhorn Band.

The Senate was called to order by Lieutenant Governor Edgar E. Witt.

The House was called to order by Speaker Coke R. Stevenson.

Lieutenant Governor Edgar E. Witt introduced Hon. Beauford Jester of Corsicana, who presented the portrait.

Lieutenant Governor Edgar E. Witt introduced Senator Pace, who accepted the portrait on behalf of the State of Texas.

Senator Woodul received unanimous consent to have the address of Mr. Jester and Senator Pace printed in the Senate Journal.

Lieutenant Governor Edgar E. Witt briefly addressed the joint session.

Patriotic numbers were rendered

by The University of Texas Longhorn Band.

Following is the address delivered by Mr. Jester:

MAJ. GEN. HENRY T. ALLEN
Commanding General of the 90th
Division From August 22, 1917
to November 23, 1918.

Henry Tureman Allen was born in Sharpsburg, Kentucky, April 13, 1859, the son of Ruben Sanford and Susan (Shumate) Allen. Both of his parents belonged to well known and respected families. The first paternal ancestor of the Allen family came to America and settled at James City, Virginia, in 1636. The great-grandfather of Henry Allen was Major John Allen, a signer of the Albermarle Declaration of Independence, a Judge of the District of Bourbon County, Kentucky, and a representative of Bourbon County in the State Legislature, from 1792 to 1795. He also took a very conspicuous part in the Revolutionary War. The line is carried through his son, Granville Allen, who married Jane Sanford, to Ruben Sanford Allen, father of Henry Allen.

On the maternal side, the line is traced from Jean de la Soumatte, a Huguenot, who settled in Virginia, and whose line continues through Samuel Shumate (Sumate), John Shumate, Bailey Shumate, Peyton Shumate, and his daughter Susan Shumate.

Henry Allen received his early education at Sharpsburg. On graduation he enrolled at Georgetown College, Kentucky, remaining there only a year, for on receiving an appointment to West Point, he entered Peekskill Military Academy, to better prepare himself. He entered West Point July 1, 1878, graduating June 13, 1882, and was commissioned as Second Lieutenant in the Second Cavalry.

He spent the next two years on frontier duty, at Fort Keogh, Montana; Fort Walla Walla, Washington; and on detached service at Vancouver Barracks, Washington, where he served as Acting Aide-de-Camp to Brigadier General Nelson A. Miles.

In 1885 Lieutenant Allen requested permission to take a party to ex-

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plore Alaska. Three other parties had already failed in this venture, so his request was not very favorably looked upon at first. But Lieutenant Allen was so enthusiastic, and was able to give so many good reasons why his particular expedition would be a success that he at length received the necessary authorization. In March of the same year Lieutenant Allen accompanied by four other men set out on his trip.

The explorers were gone for over a year and in that time they covered some 2500 miles by sled, boat, and on foot, suffering all kinds of hardships. But their discoveries in this new domain were of enormous value and paved the way for the development which later opened up this great country. The Alaskan Expert, Albert H. Brooks, wrote of it as, "The most remarkable in the annals of Alaskan exploration. No man through his own exploration has added more to a geographical knowledge of interior Alaska than Lieutenant Allen. Throughout his journey he made careful surveys and noted all facts which came within his observation; and within one season he made maps of the Copper, Tanana and Koyukuk Rivers, of the Territory which until accurate surveys were made twelve years later were the basis of all maps."

He returned to frontier duty, and in the Spring of 1887 married Jennie Dora Johnston, daughter of William H. Johnston, of Chicago, Ill., and was given a leave of absence to travel abroad. During his leave he studied and acquired a speaking and reading knowledge of Russian. His knowledge of this language was of great aid to him in later years.

In 1890 First Lieutenant Allen was ordered from West Point, where he had been on duty as Assistant Professor of Modern Languages, to St. Petersburg, Russia, as Military Attache. While on this duty he made a study of the Swedish Military System. His observations are contained in a report entitled, "The Military System of Sweden."

Lieutenant Allen after spending five years in Russia, then two years at Fort Riley, Kansas, with the Second Cavalry, was ordered back to Europe, this time as Military At-

tache at Berlin, Germany; however when the Spanish-American war broke out in 1898, he asked to be recalled. He was ordered home and joined the Second Cavalry, at Tampa, Florida, and went with them to Cuba.

After the fall of El Caney he commanded this town with its twenty thousand refugees until the surrender of Santiago, and was recommended for brevet as Lieutenant Colonel for gallantry at the battle of El Caney. Unfortunately Lieutenant Allen contracted yellow fever while in Cuba and had to be invalided to the United States. On his recovery he was ordered to the Department of the Gulf, at Atlanta, Georgia, as Adjutant General, with the rank of Major of Volunteers.

During 1899, Captain Allen's career carried him from Georgia back to Berlin, as Military Attache, then once more to the United States as Major of the 43rd Volunteers. He helped organize this regiment and went with it to the Philippine Islands.

For the next two years Colonel Allen served with the 43rd Volunteer Regiment in the Philippines, and as Governor of the Island of Leyte. In July, 1901 he was ordered to Manila to organize the Philippine Constabulary, a new peace time organization upon the success of which depended the safety and good order of the Islands under the American regime. This organization has maintained its high record of efficiency imparted by its organizer to this day.

By special act of Congress 1903, as the First Chief of the Philippine Constabulary, Colonel Allen was given the rank of brigadier general.

By 1904, General Allen had so well organized the Constabulary that Governor General James F. Smith said of him: "In three years he has organized and officered a native contingent of more than seven thousand men, and in the face of prognostication of failure by many of his own profession, he has proven to a demonstration that a native constabulary can efficiently preserve the peace, and perform the duties which would otherwise fall on the regular establishment."

At the outbreak of the Russian-

Japanese War, General Allen happened to be on leave in China. He requested to be detailed to accompany the Japanese forces as Military Observer. His request was granted and he at once sailed for Chemulpo, Korea, where he was fortunate enough to have witnessed the Russian-Japanese naval engagement in that Port, and the sinking of three of the Russian ships. He remained with the Japanese forces for over a month, then returned to the Philippine Islands to resume his duties as Chief of Constabulary.

He remained Chief of Constabulary till 1907, when on receiving his majority in the Regular Army he requested to be returned to the States. He returned in June of the same year and was assigned to command the troops in the Yellowstone National Park.

Ex-Governor General W. Cameron Forbes in writing to General Allen at this time paid tribute to his services with the Constabulary in the following words: "The plan of arming a people in the throes of insurrection and believed to be generally hostile to the Americans was bold and foresighted and the fact that you were selected from all of the available officers to have charge of the work was the highest compliment an officer could have paid him. The history of the Constabulary speaks for itself and it should be a record of which any man can be justly proud."

General Allen remained on duty with troops till 1910, when he was ordered to Washington and placed in charge of the Cavalry Section General Staff.

At the outbreak of the World War in August, 1914, many Americans sojourning abroad, found themselves stranded, as they had great difficulty in procuring transportation out of Europe or getting their checks and letters of credit honored. Congress, to help them out, appropriated a sum of \$2,500,000. This amount in actual gold was to be carried abroad by a committee headed by Assistant Secretary of War Henry Breckinridge. Secretary Breckinridge took with him as his senior military officer and military advisor, General Allen, who was at that time a lieutenant-colonel. It had been Colonel Allen's hope at this time to

be detailed as military observer with the Russian army. As he had spent five years at St. Petersburg as military attache and spoke Russian, he seemed to be especially suited for the detail, however, the Manchu Law deprived him of this opportunity and he returned to Washington on the completion of the relief work abroad. The same year he joined his Regiment, the 11th Cavalry, at Fort Oglethorpe, Georgia.

His observations and studies while attached to foreign embassies, and while on duty on the General Staff, had convinced him that the modern method of army direction through a general staff was necessary for the American Army, and he was one of the pioneers through whose efforts this valuable agency was adopted in the American service during the incumbency of Mr. Elihu Root as Secretary of War. Colonel Allen also persistently urged the adoption of army instruction by field maneuvers, the advisability of tactical instead of territorial commands, and an efficient and simple system of promoting the most valuable officers by selection and eliminating the unfit. General Allen had the gratification of seeing nearly all of his projects finally become effective.

It was at this time, 1916, that the campaign for preparedness, chiefly launched and fostered by President Roosevelt and General Wood, was receiving much attention throughout the land. A training camp following the Plattsburg plan was to be established at Fort Oglethorpe, and Colonel Allen was placed in charge of executing this mission. However, before he was able to see his work completed and the camp in actual operation, trouble had broken out in Mexico, and on March 12, 1916, he left with his Regiment for the Border.

The Eleventh Cavalry arrived at Columbus, New Mexico, on the 16th, and the following morning Colonel Allen in command of the 1st Provisional Squadron started for Colonia Dublan, a distance of 119 miles, in pursuit of Villa.

To quote from his diary:—"This squadron complied very strictly with the requirements imposed by equipment A, which meant the lightest possible field equipment, dispensing even with overcoats. There were no provisions for cooking other than in

the mess kits of the individual soldiers. The guide provided for my column appeared too old and too little fit for the kind of work that seemed indispensable for the reasonable success and he was accordingly left behind, although the country was wholly unknown to any member of the squadron and the maps were known to be undependable. The great contrast between the heat of the day and the cold of the nights in the high altitude of the scene of our operations and equipment A. caused much suffering of men and animals throughout a great part of the expedition."

Colonel Allen by the middle of the following month had advanced his Squadron 470 miles south of his base on the border, practically without forage or rations. The Villa band had been broken up; and Villa himself had fled wounded to the hills.

In May, General Pershing appointed him Inspector General of the Expedition. He later had command of the Eleventh Cavalry for a short time; then the concentration camp at Colonia Dublan, with its 200 officers and 4500 men. On August 22nd he was given command of the Thirteenth Cavalry; which he led out of Mexico the following year.

Upon the entrance of the United States into the World War, Colonel Allen was promoted to a Brigadier General and ordered to Fort Riley, Kansas, to organize a cavalry brigade. He had scarcely started on his duties when he was ordered, on August 22, 1917, to report to Camp Travis, at San Antonio, Texas, to organize the 90th Division, a national army organization, originally manned by Texas and Oklahoma men inducted into the service through the selective drafts and supplied with its junior officers by graduates from the First Officers Training Camp at Leon Springs, who were almost entirely Texans. Shortly afterward, to-wit: on September 12, 1917, he received his Major Generalcy. General Allen trained this division at Camp Travis, conducted it to France for its brief training there and led it during the American offensives of the St. Mihiel and the Meuse-Argonne.

The record of the 90th Division

was an enviable one, and was a great source of pride to General Allen. It entered the line on August 19th just west of the Moselle River, relieving the First Division and continued fighting, with the exception of seven days when it was changing from the St. Mihiel Offensive to the Meuse-Argonne Offensive, till November 11th. A total of seventy-six days with no relief. In all, the Division captured 42 pieces of artillery, 36 trench mortars, 294 machine guns, and 903 rifles. It took as prisoners 32 officers and 1844 men. Its casualties were 37 officers and 1043 men killed; 185 officers and 5928 men wounded, and 81 officers and 2094 men gassed. In all of its operations the 90th Division was known for its high spirit of discipline and willingness to undertake any duty required of it. It received five official commendations for its service in the St. Mihiel and the Meuse-Argonne Offensives.

The battle record and esprit de corps of the 90th Division influenced its selection by Commander in Chief, John J. Pershing, as one of the eight divisions of the American Expeditionary Forces specially selected to constitute the Army of Occupation and march into Germany after the signing of the Armistice.

General Allen relinquished command of his Division on November 23, 1918, just before its march into Germany, to take over the command of the Eighth Army Corps at Montigny-sur-Aube, France. That he relinquished command of his splendid Division with reluctance is evidenced by his farewell message to it, which read as follows:

"Headquarters 90th Division
American Expeditionary Forces
France

21 November, 1918.

Memorandum:

To the Officers and Men of the 90th Division:

Having served with you throughout your period of organization, training, and fighting, from the arrival of the first recruit at Camp Travis to the last shot at Stenay and Baalon when the Armistice became effective, I am now constrained by

instructions from General Headquarters, American Expeditionary Forces, to leave you when you are headed toward Germany as part of the Army of Occupation. This separation has given me so much pain that renunciation of the corps command persisted in my mind.

Your superb comportment everywhere in France, as well as your unsurpassed battle exploits, have won for you a designation in the Army of Occupation; your wonderful fighting ability and your superior manhood have won for you a place in my heart that will remain with me for all time.

The fathers and mothers who have produced men such as you, who know not battle straggling nor retreat under any circumstances, must be thrilled when they learn your stories. The States to which you and they belong possess the prime essentials of prosperity and greatness.

The soul of the 90th Division will remain a sacred inspiration to me wherever I be.

HENRY T. ALLEN,
Major General."

General Allen was succeeded as Commanding General of the 90th Division by Maj. Gen. Charles H. Martin. This was a happy selection of a successor to General Allen, as General Martin was the senior instructor of the first officers' training camp at Leon Springs, May 5 to August 17, 1917, with the then rank of Colonel. The original junior officer personnel of the 90th Division was composed of the graduates from this first officers' training camp who, for the most part, received their first military training and inspiration from this splendid officer. General Martin remained in command of the Division during its march to Germany, during its duty in the Army of Occupation in Germany, which terminated May 22, 1919, when the last elements of the Division entrained for St. Nazaire, the port of embarkation, from whence it returned to the United States for demobilization.

General Martin was in command of the Division when it was inspected by General Pershing on April 24, 1919, at Wengerohr, Germany, shortly prior to the withdrawal of the Division from the Army of Occupation for the purpose of returning to the United States for demobilization.

The following letter from General Pershing expressed the appraisal of the 90th Division by the Commander-in-Chief of the American Expeditionary Forces:

"American Expeditionary Forces
Office of the Commander-in-Chief
France

April 26, 1919.

Major General Charles H. Martin,
Commanding 90th Division,
American E. F.

My Dear General Martin: It gives me much pleasure to congratulate you and, through you, the officers and men of your Division on the splendid appearance that it made at its inspection and review on April 24 at Wengerohr. The smart appearance of personnel and the good condition in which I found the horse transportation and artillery are sure signs of the high morale that permeates all ranks. This is only what one would expect of a division which has such a fine fighting record.

Arriving in France towards the end of June, 1918, it underwent, until the end of August, the usual course of training behind the line. It was then placed in the Villers-en-Haye sector and there took part in the St. Mihiel offensive where it attacked the strong positions on the Hindenburg Line immediately to the west of the Moselle River. In these operations it was entirely successful, mopping up the Bois-des-Rappes, occupying the town of Vilcey-sur-Trey, the Bois-de-Presle and the Forêt-des-Vencheres, and advancing to a depth of 6 1/2 kilometers. On the night of October 21 the Division entered the Meuse-Argonne offensive, taking the town of Bantheville and the high ground north and northwest of that town. In the tremendous attack of November 1 it continued its splendid record, piercing the Freya Stellung, crossing the Meuse and taking 14 villages in its very rapid advance. The Carriere Bois, the Bois-de-Raux, Côte 243 (the capture of which was vital to the advance of the Division on the left) and Hill 321 were the scenes of desperate fighting on the opening day of the attack. On November 2, Villers-devant-Dun was taken, and the following day the Bois-de-Montigny, Bois-de-Tailly, Bois-de-Mont, Bois-de-Sasse and

the town of Montigny-devant-Sassey were taken, a very deep and rapid advance being made. On the 4th, Halles was occupied. By November 10 the infantry had crossed the Meuse and the town of Mouzay was taken. The Division was pressing the enemy hard at the time of the signing of the Armistice.

As part of the 3rd Army the Division participated in the march into Germany and the subsequent occupation of enemy territory. I am pleased to mention the excellent conduct of the men under these difficult circumstances as well as for their services in battle. They are to the credit of the American people. I wish to express to each man my own appreciation of the splendid work that has been done and the assurance of my continued interest in his welfare.

Sincerely yours,

(Signed) JOHN J. PERSHING."

Following General Allen's assignment to command the Eighth Corps, the record of the 90th Division and its Commander brought additional and enlarged duties to him. The Ninth Army Corps came under his command on April 13, 1919. The Seventh Army Corps was placed under his command May 2, 1919. On July 2, 1919, he was selected by General Pershing to command the American Expeditionary Forces in Germany.

In his capacity as commander of the troops on the Rhine, and the following year, as the unofficial American representative on the Inter-allied Rhineland High Commission, he became the head of the State and War Department representation in the American zone of occupation. He was in a position of great responsibility, as he was called upon to make decisions and take action for which there was absolutely no precedent or guide.

As an example may be cited the situation that arose with the signing and putting into execution of the Treaty of Versailles by the Allied Governments, and the non-ratification of the Treaty by our Government. At this time the four Allied Armies occupied their respective zones along the Rhine, each army commander being supreme in his zone and all under the nominal command of Marshal Foch. The Treaty of Versailles provided for the government

of the occupied territory by a civilian body, to be called the Interallied Rhineland High Commission.

On January 10, 1920, when the Treaty was put into effect, the High Commission, through its president, was instructed to assume control of the entire occupied territory, including the American zone, which was occupied by our forces under authority of the Armistice agreement, which was still in force as far as we were concerned, our country still being at war with Germany, not having ratified the Treaty of Versailles. This authority of the High Commission over the American zone could not and was not therefore recognized by General Allen. On the other hand if the American zone continued under one form of government and the rest of the occupied territory under another it would be a clear indication to the Germans of a cleavage between the Americans and their Allies, of which situation the Germans would have attempted to take full advantage to the embarrassment of all concerned. To prevent this situation General Allen decided to publish the proclamation of the Rhineland High Commission in the American zone as an army order, and in the same manner their ordinances and decisions as far as it was practicable to do so.

From July 2, 1919, to February 19, 1923, General Allen, as Commanding General of the American Forces of Occupation, and as American representative on the Rhineland High Commission worked in harmony with all officials both civil and military, of the Allied Governments.

The American forces in Germany were ordered back from Germany by War Department cable, received by General Allen January 11, 1923.

As the New York World, of February 23, 1923, said: "He had been the commander of an army occupying the territory of a vanquished foe, of the first American army which ever performed this duty on European soil. He commanded a force stationed in the heart of the most complicated diplomatic tangle amid the most ancient and bitter hatreds. His legal status was at all times doubtful and irregular. Yet from beginning to end his administration had been a triumph of common sense, of honesty and decency." On the re-

turn of the American Army of Occupation, General Allen left Europe with the applause of the Allies with whom he had associated and with the regrets of the people of the occupied territory. The German High Commissioner paid tribute to him with the statement that "it is a really remarkable thing that you, who came among us as a conqueror, should be leaving with the regard and regret of all the people you have had under your control." The Secretary of State likewise showed his appreciation by the following letter:

"The Secretary of State
Washington

February 27, 1923.

My Dear General Allen:

The occasion of your return to the United States after a period of distinguished service abroad, offers an opportunity for me to express my appreciation, and that of the Department, of the splendid work you have done.

It has been of inestimable value to have the benefit of your mature judgment and opinion regarding the important development that has transpired in the Rhineland and I deeply appreciate the manner in which, through your comprehensive reports, you have kept the Department in touch with the situation.

Permit me, in addition, to express my pride and satisfaction in having had, as the Department's representative in Coblenz, an official of your high qualities and distinction, and also my thanks and that of the Department, for the manner in which you have maintained at all times the honor and prestige of the United States.

I am, my dear General Allen,

Very sincerely yours,

(Signed) Charles E. Hughes."

After his retirement from active service on April 13, 1923, General Allen made his home in Washington, D. C. He became interested in many activities, was managing director of the Lincoln Memorial University, chairman of the American Committee for the Relief of German Children in 1923; vice president and executive of the Olympic Games Committee 1924; member of Foreign Relations Committee of the United States Chamber of Commerce, Presi-

dent of the Washington Branch of the English Speaking Union. In 1928 he became interested in politics and was Director of the Democratic Veterans Association in support of Governor Smith in the presidential campaign. He lectured and spoke widely in behalf of the League of Nations, which he considered a vital force for peace and international reconciliation.

For his services with the 90th Division, General Allen was awarded the Distinguished Service Medal, with the following citation:

"For exceptional meritorious and distinguished services. In command of the Ninetieth Division he had the important position of conducting the right flank at the St. Mihiel salient. His brilliant success there gained and later repeated in the Meuse-Argonne offensive showed him to be an officer of splendid judgment, high attainments, and excellent leadership. Later he commanded the Eighth Army Corps with skill and judgment."

His foreign decorations included, the Grand Officer Legion d'Honneur by France; the Grand Cordon of the Order of the Crown of Italy, by Italy; the Grand Officier l'ordre de la Couronne de Chene, by Luxembourg; the Grand Officier de l'ordre de Leopold, by Belgium; plaque of the Order of Prince Danilo, by Montenegro; the Croix de Guerra by France; Italian War Cross by Italy; and the Medal de la Solidaridad, of Panama. He received the honorary degree of Doctor of Law from Georgetown College, Kentucky, and from the University of Frankfurt, Germany.

All of General Allen's life had been filled with heavy responsibilities, all of which he filled with characteristic efficiency. His successes brought him higher honors which led to new responsibilities, which in turn were met with equal ability and success.

General Allen died August 30, 1930, at Buena Vista, Pennsylvania, at the age of seventy-one years. He was survived by his widow, who died early in 1933; his two daughters, Jeanette, wife of Lt. Col. Frank M. Andrews, and Dasha, wife of Joseph W. Viner, of Cincinnati, Ohio; and

his son, Captain Henry T. Allen of the United States Army.

On the slopes of Arlington Cemetery, overlooking the Potomac River, General Allen was laid to rest with full military honors, on September 3, 1930, thus bringing to a close the distinguished career of this Soldier, Diplomat, and Writer.

Texas has shared in the career and accomplishments of this illustrious American. The Lone Star State gave over eighteen thousand of its sons to serve as enlisted men and officers of the 90th Division. The Division was organized and trained in Texas by General Allen.

It was but natural that General Allen, with his efficiency and inspiration as a Commanding Officer and his great qualities of heart as a man, should have won the confidence, admiration and loyalty of these Texans and other members of the 90th Division, whom he trained and led in combat. This is precisely what he did. His memory will ever be revered by them and their posterity.

It is, therefore, appropriate and proper that on this holiday, sacred to Texans, the Texas members of the 90th Division Association and their friends present this portrait of General Allen to the people of Texas. May it always ornament this shrine of patriotic service, and be a continuing reminder of the appreciation that the people of Texas have for outstanding patriotic service, such as was exemplified by the life of General Allen.

Bibliography:

"Annual Report of The Association of the Graduates of the United States Military Academy," June 10, 1931.

"History of the 90th Division."

Letters and files furnished by Capt. Henry T. Allen, U. S. A.

"My Rhineland Journal," by Maj. Gen. Henry T. Allen.

"The Rhineland Occupation," by Maj. Gen. Henry T. Allen.

Decorations Shown on Portrait.

From left to right:

Upper: Grand Cordon of the order of the Crown of Italy, and Grand Officer Legion d'Honneur, France.

Lower: Grand Officier de l'ordre de Leopold, Belgium, and Grand Of-

ficier l'ordre de la Couronne de Chene, Luxembourg.

The Sash, accompanying the Italian decoration, represents the rank of Grand Officer.

The following is the address of Senator Will D. Pace:

Mr. President, Mr. Speaker, Members of the Forty-third Legislature, Honor Guests, Ladies and Gentlemen:

The Forty-second Legislature of the State of Texas, by S. C. R. No. 18, provided for the acceptance of the portrait of the late Major General Henry T. Allen from the 90th Division Association of Ex-Service Men who served in the World War. By S. C. R. No. 20, which passed the Forty-third Legislature of the State of Texas heretofore, the Senate and the House of Representatives concurring decreed that this day at 11 o'clock be set aside for a joint session of the Senate and House of Representatives of the State of Texas for the purpose of receiving the portrait of the late Major General Henry T. Allen of the 90th Division. In this S. C. R. No. 20 it was provided that the Lieutenant Governor appoint a committee of three members of the Senate to cooperate with five members of the House of Representatives who were to be appointed by the Speaker of the House for the purpose of making suitable arrangements for the ceremonies necessarily Under and by virtue of this resolution, the Speaker of the House has appointed Representatives Z. E. Coombes, H. B. Steward, Penrose Metcalfe, Weaver Moore and Robert Alexander to cooperate with a committee composed of Senators Will D. Pace, Julian Greer and Roy Sanderford to make suitable arrangements for said ceremonies. Under and by virtue of these arrangements as outlined, we have assembled in the Senate Chamber and have listened to the wonderful presentation by the Hon. Beauford Jester, a former officer of the 90th Division, who served under the late Major General Henry T. Allen of the 90th Division, the now President of the Board of Regents of the University of Texas, in his admirable presentation of this portrait to the State of Texas. The presentation of this portrait of his fallen

leader, outlines largely the activities and history of the 90th Division of the United States Army which trained at Camp Travis, Texas. The history of the 90th Division is largely a history of the activities of many of the soldiers of the State of Texas in the late World War.

At this point, we desire on this occasion to honor those of the former officers and enlisted men of the 90th Division who are present as our guests, either on the floor of the Senate or in the Gallery. I call upon all of those of you who served either as officers or as enlisted men who served in any capacity under the late Major General Henry T. Allen of the 90th Division to stand in order that we may do you honor. Now, I call upon all of you who were not members of the 90th Division who had the honor to serve your country during the late World War along with the members of the 90th Division and who served in any other division than the 90th Division. It is an honor that we, as members of the Legislature of Texas and our guests on this occasion, are assembled on this the anniversary of the battle of San Jacinto, have you as our guests. And you have honored us by tendering to the State of Texas this the wonderful portrait of your fallen leader in order that it may be placed in our Capitol Building and in the permanent archives of the State of Texas. We assure you that it is a pleasure on the part of those of us who are in position to do so, to accept this portrait in the spirit in which it is tendered by you who have served your country so well. It was the privilege of many of us, who served our country, during the perilous times of 1917 and 1918 to respond to the call of our country. It is now the privilege of us who are serving in the Legislature of the State of Texas to serve our country during a like time of economic distress.

General Allen, as has been detailed and as those of us knew who knew him best, was a man of action during times of stress and trouble. He was a man of action, and may we not, from his example and from this occasion, learn that it is our duty as legislators and as representatives of a great people, to take up the flaming torch which he has thrown to us

to the end that civilization shall survive for the benefit of a great democracy. May we as legislators learn from his example of action that it behooves us as officials of this great State which we represent, to do things worth while with little time lost in conversation.

It is a pleasure on behalf of the Official Committee authorized to act on this occasion and on behalf of the Legislature of the State of Texas and on behalf of the citizens of this great State to accept this wonderful portrait of our fallen leader, the late Major General Henry T. Allen. It shall be our pleasure to place this wonderful portrait in a suitable place here in the State Capitol.

House Bill No. 878.

Senator Woodward asked unanimous consent that the Senate resolve itself into a Committee of the Whole from 2 o'clock to 3 o'clock p. m., to consider H. B. No. 878 and that the bill retain its present status if reported by the Committee of the Whole.

Objection was heard.

Recess.

On motion of Senator Woodward the Senate, at 12:22 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senators Excused.

Senators Fellbaum and Holbrook were excused for the afternoon on account of important business, on motion of Senator Rawlings.

Senator Beck was excused for the afternoon on account of illness, on motion of Senator Redditt.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, April 21, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 133, A bill to be entitled
"An Act providing for the appoint-

ment by the district judge of the 25th Judicial District of Texas, composed of the counties of Guadalupe, Gonzales, Colorado and Lavaca, or the judge of the judicial district of which the counties of Guadalupe, Gonzales, Colorado and Lavaca are a part thereof, of an official shorthand reporter for such district; providing his qualification; providing that the salary of the said official shorthand reporter shall be fixed and determined by the judge of said district and not otherwise; providing for the manner of payment of said salary and out of what fund; providing for transcript fees and allowance for expenses as provided in Chapter 56, H. B. No. 276, Acts Regular Session of the Forty-first Legislature, 1929, which allowances, as now provided by law being fixed and established as a part of this Act; declaring this Act to be a special Act, notices thereof having been duly published and exhibited as required by law, and declaring an emergency."

S. B. No. 294, A bill to be entitled "An Act to abolish the office of Clerk of the Criminal District Court of Harris County, and to transfer the duties of said office to the Clerk of the District Court of Harris County; providing for the delivery of all supplies, furniture and fixtures of any kind or character belonging to said office of the Clerk of the District Court of Harris County, and fixing the effective date of this Act."

S. B. No. 314, A bill to be entitled "An Act to prohibit the hunting, taking, shooting or killing of any game bird or any game animal, as defined in the laws of the State of Texas, in that part of Wichita County included within the following territory, to-wit: Beginning at the center of the intersection of Tenth and Holliday Streets in the City of Wichita Falls, Wichita County, Texas; thence in a Southerly direction down the center of said Holliday Street to the corporate limits of the city of Wichita Falls; thence along the center of what is known as the Jacksboro-Wichita Falls Highway, being State Highway No. 66, to the center of the public road intersecting said Highway No. 66 on the North line of the J. R. McDowell Survey, Abstract No. 194;

thence West with the center of said public road along the North line of the said McDowell Survey and North line of the G. Reynolds Survey, Abstract No. 251, to the Northwest corner of said G. Reynolds Survey and a corner of the Wichita Falls State Hospital lands; thence South along the center of said public road to the South line of said State Hospital lands; thence West with the center of said public road to where the same intersects the Wichita Falls and Archer City paved road, being State Highway No. 79, just South of the Spillway of Lake Wichita; thence in a Northerly direction along the center of said Highway No. 79, passing Lake Wichita Pavilion grounds, to the corporate limits of the City of Wichita Falls, where said Highway No. 79 meets and enters Grant Street in said city; thence in a Northerly direction along the center of said Grant Street to the intersection of the same with Tenth Street in the City of Wichita Falls; thence in an Easterly direction along the center of said Tenth Street to the place of beginning, being the intersection of Tenth Street and Holliday Street in the City of Wichita Falls; fixing penalty, and declaring an emergency."

S. B. No. 484, A bill to be entitled "An Act to create Road District Number Four (4), of Shelby County, Texas, validating and approving all orders made by the commissioners court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds thereof, dated August 11, 1919, and numbered 171 to 210, inclusive, and also the bonds of said district, dated October 10, 1923, and numbered, respectively, from 1 to 50, inclusive, and providing for their payment by the annual levy, assessment, and collection of general ad valorem taxes, on all taxable property in said road district; approving and validating all orders of the commissioners court of said county, in respect of said designated road district bonds, but none others, and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and to amend and construe existing

laws; to repeal all laws, general and special, inconsistent herewith, and to prohibit the county commissioners court, tax assessor, tax collector and treasurer from levying, assessing, collecting or receiving into the treasury any money levied, assessed or collected for the purpose of paying any bonds of said district or purported bonds thereof, other than those specifically validated herein."

H. B. No. 349, A bill to be entitled "An Act amending Article 308, of the Revised Statutes, by adding thereto provisions that attorneys from other jurisdictions shall be required to pass the examination given to other applicants, with exceptions respecting participation by such attorneys in the trial or hearing of any particular case, wherein a resident practicing attorney of Texas is actually employed, associated, and personally participating; repealing all laws in conflict; and declaring an emergency."

H. B. No. 558, A bill to be entitled "An Act abolishing the office of district attorney for the Thirtieth Judicial District, comprising Young, Archer, and Wichita Counties; and providing that the now county attorneys shall act as criminal district attorneys for their respective counties, from and after the date of the expiration of the term of office to which the now district attorney was elected; and fixing the fees of their office created by this Act."

H. B. No. 652, A bill to be entitled "An Act to safeguard the consumers of natural gas, whether used on a domestic, commercial, or industrial basis, against excess charges, by prohibiting the ready to serve charge and/or fixed service charge by the gas companies, corporations, or individuals serving natural gas on a domestic, commercial, or industrial basis, defining 'ready to serve charge,' providing a penalty for violations of said Act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 880, A bill to be entitled "An Act amending Subdivision 37, of Article 199, of the Revised Civil Statutes of the State of Texas, providing for changes in the time for terms of court in the Thirty-sev-

enth, Forty-fifth, Fifty-seventh, and Seventy-third Judicial Districts of Texas, providing for vacations for the judges thereof; providing necessary provisions with reference to processes, writs and petit jurors made by the changes made by this Act and validating and legalizing the same, providing that the terms of court in the Ninety-fourth Judicial District of Texas shall remain as now fixed by law until January 1, 1935, and declaring an emergency."

H. B. No. 154, A bill to be entitled "An Act amending Article 7071, Title 122, Chapter 2, Revised Civil Statutes of 1925, and providing for the levying of an occupation tax on petroleum oil, mineral oil, or other oils that are taken from the earth, providing the date of payment of same, and providing manner and time of reporting same to the Treasury of this State, and providing for inspection of records kept by persons engaged in such business; etc., and declaring an emergency."

(With engrossed rider).

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 878.

The question recured upon H. B. No. 878.

Senator Woodruff raised the point of order that a quorum was lacking.

The roll call showed 22 present.

Senator Purl raised the point of order that Senator Moore (speaking) could yield to him for a motion to recess and would continue to hold the floor when the pending business was again taken up.

The Chair, Senator Woodward, sustained the point of order.

Senator Moore yielded to Senator Purl to make a motion to recess with the understanding that he (Senator Moore) would not lose the floor.

Senator Purl moved to recess until 10 o'clock Monday morning.

Senator Woodruff moved as a substitute that a call of the Senate be ordered for the purpose of maintaining a quorum this afternoon.

Senator Purl raised the point of order that the substitute motion was not a proper substitute for the motion to recess.

The Chair, Senator Woodward, sustained the point of order.

Senator Purl raised the point of order that a member could not pair on a motion to recess.

The Chair, Senator Woodward, overruled the point of order.

The motion to recess was lost by the following vote:

Yeas—5.

| | |
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| Cousins. | Regan. |
| Parr. | Russek. |
| Purl. | |

Nays—17.

| | |
|-----------|-------------|
| Blackert. | Patton. |
| Collie. | Redditt. |
| DeBerry. | Sanderford. |
| Hopkins. | Small. |
| Hornsby. | Stone. |
| Martin. | Woodruff. |
| Moore. | Woodul. |
| Murphy. | Woodward. |
| Neal. | |

Absent.

| | |
|--------|-----------|
| Pace. | Rawlings. |
| Poage. | |

Absent—Excused.

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| Beck. | Holbrook. |
| Fellbaum. | Oneal. |

(Pair Recorded.)

Senator Greer (present) who would vote yea, with Senator Duggan (absent) who would vote nay.

Senator Woodruff raised the point of order that a motion for a call of the Senate to maintain a quorum was a privileged motion.

The Chair, Senator Woodward, overruled the point of order, holding that the motion to maintain a quorum when a quorum was present, was out of order.

Senator Woodruff raised the point of order that a quorum was lacking.

The roll call showed 22 present.

Senator Woodruff raised the point of order that a quorum was lacking.

Senator DeBerry raised the counter point of order that Senator Woodruff had raised the same point of order only a few minutes previously and that no business had been transacted in the meantime; therefore the point of order was out of order.

The Chair, Senator Woodward, held that there was no Senate rule to that effect.

The roll call showed 28 present.

Senator Pace raised the point of order that under Senate Rule No. 15 as amended, Senator Moore's time had expired.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order holding that the question was the engrossment of the bill and the time limit of Rule 15 did not apply.

Senator Pace raised the point of order that Senator Moore was employing dilatory tactics.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator Poage raised the point of order that a quorum was lacking.

The roll call showed 22 present.

Senator Hornsby raised the point of order that a quorum was lacking.

The roll call showed 14 present.

Senator Poage moved a call of the Senate to obtain and maintain a quorum until H. B. No. 878 was disposed of. The motion prevailed by the following vote:

Yeas—13.

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| Blackert. | Parr. |
| Collie. | Poage. |
| Cousins. | Rawlings. |
| DeBerry. | Redditt. |
| Martin. | Small. |
| Neal. | Woodward. |
| Pace. | |

Nays—4.

| | |
|----------|--------|
| Greer. | Moore. |
| Hornsby. | Purl. |

Absent.

| | |
|----------|-------------|
| Duggan. | Russek. |
| Hopkins. | Sanderford. |
| Murphy. | Stone. |
| Patton. | Woodruff. |
| Regan. | Woodul. |

Absent—Excused.

| | |
|-----------|-----------|
| Beck. | Holbrook. |
| Fellbaum. | Oneal. |

The doors were closed and absent members were ordered brought in.

The roll call to determine whether a quorum had been secured under the call showed 23 present.

Senator Neal rose to speak on a point of personal privilege.

The Chair, Lieutenant Governor Edgar E. Witt, held that a member could not displace, on a point of personal privilege, a member speaking.

Senator Woodward inquired if a parliamentary inquiry was a privileged matter.

The Chair, Lieutenant Governor Edgar E. Witt, held that it was privileged.

Senator Woodruff moved the previous question on the passage of the bill to third reading. The previous question was ordered by the following vote:

Yeas—16.

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| Blackert. | Poage. |
| Collie. | Rawlings. |
| Cousins. | Redditt. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Pace. | Woodruff. |
| Parr. | Woodul. |
| Patton. | Woodward. |

Nays—5.

| | |
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| Greer. | Purl. |
| Moore. | Russek. |
| Murphy. | |

Present—Not Voting.

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|----------|-------|
| DeBerry. | Neal. |
|----------|-------|

Absent.

| | |
|-----------|----------|
| Duggan. | Hopkins. |
| Holbrook. | Regan. |

Absent—Excused.

| | |
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| Beck. | Oneal. |
| Fellbaum. | Sanderford. |

The bill was passed to third reading by the following vote:

Yeas—17.

| | |
|-----------|-----------|
| Blackert. | Poage. |
| Collie. | Rawlings. |
| Cousins. | Redditt. |
| Martin. | Small. |
| Murphy. | Stone. |
| Neal. | Woodruff. |
| Pace. | Woodul. |
| Parr. | Woodward. |
| Patton. | |

Nays—4.

| | |
|----------|--------|
| DeBerry. | Moore. |
| Hornsby. | Purl. |

Absent.

| | |
|-----------|---------|
| Holbrook. | Regan. |
| Hopkins. | Russek. |

Absent—Excused.

| | |
|-----------|-------------|
| Beck. | Oneal. |
| Fellbaum. | Sanderford. |

(Pair Recorded.)

Senator Greer (present) who would vote nay, with Senator Duggan (absent) who would vote yea.

Bills Introduced.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senators Woodul, Beck, Woodruff, Pace, Rawlings, and Greer:

S. B. No. 525, A bill to be entitled "An Act to create the Texas Rehabilitation and Relief Commission for the purpose of administering Federal and/or State funds for employment, rehabilitation and/or relief of the unemployed providing commission shall cease to exist two (2) years after effective date of Act; defining duties of Commission; providing for appointment of members of Commission, director of Commission and employees; providing for establishment of county departments of rehabilitation and relief, their powers and organization, making an appropriation, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Redditt:

S. B. No. 526, A bill to be entitled "An Act providing that when the county depository of any county having a population of not less than 43,100 and not more than 43,200 according to the next preceding Federal census has pledged securities in lieu of a personal or surety bond to secure the county funds of such county, and it becomes necessary for the county to take over such pledged securities, it shall be lawful for such counties to accept such securities so pledged and to credit the depository bank with the amount thereof and to charge said depository bank with the total amount of county funds then on deposit in said county depository,

and authorizing commissioners courts of such counties to sell such pledged securities with or without a repurchase agreement or to place such securities in order to obtain funds with which to meet the obligations of such counties; authorizing the commissioners courts of such counties to select another depository in the same manner and upon the same terms as is provided in Article 2550, Revised Civil Statutes of 1925; and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

Senate Simple Resolution No. 92.

Senator Neal sent up the following resolution:

Whereas, The two Texas flags now displayed over the President's desk in the Texas Senate are soiled and discolored by long use, and

Whereas, There is no sentimental or patriotic reason why these flags should not be restored to their original pristine brightness and freshness, or be replaced by newer and better flags, and

Whereas, As these two symbols of the Lone Star State should ever be before the eyes of members of the Texas Senate, and those who come within the walls of this Chamber, as an inspiration for higher patriotic purpose, therefore, be it

Resolved, That on this San Jacinto Day, 1933, the Senate by unanimous vote call upon the Sergeant-at-Arms to do whatever is necessary toward brightening and freshening the two Texas flags above mentioned, or to replace them with new flags.

NEAL.

Read and referred to Committee on Contingent Expense.

Senate Bill No. 50.

The question recurred upon S. B. No. 50.

Recess.

Senator Pace moved to recess until 10 o'clock tomorrow morning.

Senator Purl moved to recess until Monday morning at 9:30 o'clock. The motion was lost by the following vote:

Yeas—4.

Greer.
Moore.

Patton.
Purl.

Nays—18.

| | |
|-----------|-----------|
| Blackert. | Parr. |
| Collie. | Poage. |
| Cousins. | Rawlings. |
| DeBerry. | Redditt. |
| Hornsby. | Small. |
| Martin. | Stone. |
| Murphy. | Woodruff. |
| Neal. | Woodul. |
| Pace. | Woodward. |

Absent.

| | |
|-----------|---------|
| Duggan. | Regan. |
| Holbrook. | Russek. |
| Hopkins. | |

Absent—Excused.

| | |
|-----------|-------------|
| Beck. | Oneal. |
| Fellbaum. | Sanderford. |

The motion to recess until 10 o'clock tomorrow morning prevailed and at 6:10 o'clock p. m. the Senate recessed.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, April 21, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 412 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, April 20, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 510, A bill to be entitled "An Act to amend Article 536 of the Penal Code of the State of Texas to provide that same shall not apply to self-help or credit scrip or other certificates of barter issued during the years 1933, 1934, and 1935 by any incorporated city, town, or village, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.